

Remarks**I. Status of the Application**

Claims 39-54, 56, and 58-60 are pending in the application. Claims 39, 43-47, 53-54, and 58-59 are amended. Claims 55 and 57 are cancelled without prejudice. Claim 60 is added.

II. Telephone Interview

Applicants thank the Examiner for conducting a telephone interview on February 20, 2008.

During the Interview, the invention described by claim 39 was discussed in light of the cited art. In particular, the Rogers reference was discussed. As indicated in the Interview Summary dated February 29, 2008, prepared by the Examiner, the Examiner suggested language to use in an amendment to claim 39 and stated that such an amendment should distinguish claim 39 from the cited combination of Maloney and Rogers.

As shown above, claim 39 has been amended in a manner similar to that suggested by the Examiner. Independent claims 46 and 59 are also amended in a similar manner.

III. Claim Rejections - 35 USC § 112

Claims 43, 44, 47-50, 53 and 59 have been rejected under 35 U.S.C. 112 as being allegedly indefinite. Claims 43, 47, and 53 are amended as shown above.

The rejection is respectfully traversed with respect to claim 59. In claim 59, as amended, the sixth limitation recites “identifying a third party provider of a product or service that is not associated with the first service provider.” Accordingly, the references to the “identified third party product or service provider” in the remaining limitations are clear and unambiguous.

IV. Claim Rejections - 35 USC § 103**A. Claims 39-44, 46-53, and 55-59**

Claims 39-44, 46-53, and 55-59 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Patent No. 5,555,299 (“Maloney”) in view of U.S. Patent No. 5,617,471 (“Rogers”). Claims 39, 43-44, 46-47, 53 and 58-59 are amended and the rejection is respectfully traversed. Claims 55 and 57 are cancelled without prejudice.

1. Claims 39 and 46

Independent claim 39 has been amended in a manner similar to that suggested by the Examiner. Claim 39 has been amended to define a method for use in a telecommunication system. Claim 39 has been further amended to require “receiving, by a first service provider, a call from a caller using a communications device, the call including a current request for a suggestion of a third party provider of a product or service desired by the caller, the third party provider being independent of the first service provider.” Claim 39 also requires “retrieving, from storage, data concerning the manner in which one or more prior requests by the caller to the first service provider were handled,” “utilizing at least the retrieved data concerning the manner in which one or more prior requests were handled to select a third party product or service provider in response to the current request” and “searching a database for connection information concerning the selected third party product or service provider.” Claim 39 further requires “facilitating a communication between the caller and the selected third party product or service provider based on the connection information” and “storing, in the storage, data concerning the manner in which the current request is handled.” Claim 39 has also been amended to require “after the caller communicates with the selected third party product or service provider, allowing

the caller to return to the first service provider without terminating the call, automatically, in response to a predetermined signal received from the caller's communications device."

It is believed that the amendments to claim 39 merely make explicit what is already inherent, since a directory assistance system is a "first service provider," and do not narrow the scope of the claims.

Maloney discloses a telephone order placement system for transferring calls between a plurality of divisions within a company. (Col. 2, lines 35-38). In the example provided, a caller calls a first division within a company's private network and informs a first operator that the caller wishes to make two purchases - a first purchase from the company's apparel division, and a second purchase from the company's foods division. (Col. 9, lines 1-5). When the call is received at the company's first division, a voice component and a data component are generated and are associated with the call by a unique identifier. (Col. 9, lines 46-54). The first operator assists the caller in making the first purchase. When the caller is transferred to the foods division within the company's network, the voice component and the data component are separately transmitted to a second call center associated with the foods division, and reassembled to enable a second operator to continue the call. (Col. 9, lines 55-67). The second operator reviews the information in the voice and data components, and sees that the caller wishes to make a second purchase from the foods division. (Col. 10, lines 5-7). The operator then assists the caller in completing the second purchase.

The Examiner admits, on page 4 of the Office Action, that Maloney does not teach a "third party provider of a product or service and the third party provider being independent of the directory assistance system," as required by claim 39 (prior to the amendments shown above). Therefore, Maloney also does not teach or suggest "receiving, by a first service provider, a call

from a caller using a communications device, the call including a current request for a suggestion of a third party provider of a product or service desired by the caller, the third party provider being independent of the first service provider,” as required by amended claim 39.

Instead, the Office Action alleges that Rogers teaches a “third party provider being independent of the directory assistance system.” (Office Action, page 4).

Rogers discloses a telecommunications system that provides a call transfer function while a user is involved in two independent calls. (Abstract). In an example described at col. 6, line 61 to col. 7, line 6, cited by the Examiner, a customer dials a 1-800 number to place a call to the company ABC located in New York. After reaching the customer service representative in New York, the customer actually wants specific information on a product offered by the company ABC. Instead of the customer service representative making a generic decision on the transfer to a general sales department, a database provides the specific transfer information by looking up a telephone number for a sales representative in Phoenix assigned to the customer. Without any participation by the customer service representative in New York, the call is more efficiently transferred to the sales representative specifically handling the customer’s inquiry.

Rogers does not teach or suggest receiving a call by a “first service provider” that includes a request for a suggestion of a “third party provider being independent of the first service provider,” as required by amended claim 39. In the disclosed example, the customer calls a 1-800 number to place a call to the ABC Company, and then is transferred by the company’s customer service representative to a “sales representative” in Phoenix. Since the sales representative represents the ABC Company, the sales representative is not a third party. Thus, in the cited example, there is no teaching or suggestion whatsoever of the claimed “third party provider” who is independent of the “first service provider,” as claimed.

None of the other cited art teaches or suggests the combination of amended claim 39, either.

Claim 46 defines a method for use in a directory assistance system, and has been amended to require “receiving, from a caller by a first service provider, a current request for a suggestion of a third party provider of a product or service desired by the caller, the third party provider being not associated with the first service provider.” For the reasons discussed above, none of the cited art teaches or suggests this limitation.

Therefore, amended claims 39 and 46, and their respective dependent claims, are patentable over the cited art.

2. Claim 59

Independent claim 59 defines a method for use in a telecommunication system. Claim 59 has been amended to require “receiving a call from a caller by a first service provider, the call including a current request for a suggestion of a third party provider of a product or service desired by the caller, wherein the third party provider is not associated with the first service provider.” Claim 59 also requires “retrieving, from storage, data concerning the manner in which one or more prior requests by the caller to the system were handled,” “generating a record comprising the current request and the data concerning prior requests” and “identifying a geographical region based on the record.” Claim 59 further requires “transferring the record to a call center associated with the geographical region” and has been amended to require “identifying a third party provider of a product or service that is not associated with the first service provider and is located in the geographical region, based at least on the data concerning prior requests contained in the record.” Claim 59 also requires “searching a database for

connection information concerning the identified third party product or service provider,” “facilitating a communication between the caller and the identified third party product or service provider based on the connection information,” and “storing, in the storage, data concerning the manner in which the current request is handled.” Claim 59 has been further amended to require “after the caller communicates with the identified third party product or service provider, allowing the caller to return to the first service provider without terminating the call.”

For the reasons set forth above, none of the cited art teaches or suggests “receiving a call from a caller by a first service provider, the call including a current request for a suggestion of a third party provider of a product or service desired by the caller, wherein the third party provider is not associated with the first service provider,” as required by amended claim 59.

In addition, neither Maloney nor Rogers teaches or suggests “identifying a geographical region,” as required by amended claim 59. The Examiner appears to allege in the Office Action that Maloney’s identification of the foods product division constitutes identifying a “geographical region,” as required by amended claim 59. The applicants respectfully disagree. Maloney only identifies a relevant division. The location of the division is not the object of the “identification” in Maloney. In amended claim 59, in contrast, the object of the claimed identification is a geographic location.

Furthermore, there is no disclosure in Maloney that the “apparel” division” and the “food products” division are located in different locations. Therefore, when the call in Maloney is transferred to the foods division, it could be in the same geographical region. It is also conceivable that a first customer service representative handling the “apparel” division” for a particular organization and a second customer service representative handling the “food products

division" for the same organization, as well as representatives for other divisions, may be in the same geographical location.

Rogers does not identify geographical regions either. While Rogers transfers a customer to a sales representative in Phoenix, the location of the sales representative does not appear to have any particular relevance. Similar to Maloney, Rogers only identifies a sales representative. The location of the sales representative is not the object of the identification in Rogers.

In addition, even if the Examiner continues to assert that Maloney and/or Rogers identifies a geographic location, neither reference identifies the geographic region based on a "record comprising the current request and the data concerning prior requests," as required by amended claim 59. (Emphasis added). The first operator in Maloney does not have access to any prior requests at all. After servicing the first request, the first operator forwards the call to second operator who can handle the second request, here a request related to the foods division. The forwarding to the foods division is based on the current request, not on any past requests, including the first request related to apparel. The second operator (of the foods division) in Maloney, while receiving a "data component" containing data concerning the both the caller's food related and apparel related request, only deals with the food related request and the handling of the food related request is not at all based on the apparel request. Nor does the second operator identify a geographic region based on the data component, as claimed.

Further, neither operator identifies a third party provider, or any party, based on "data concerning prior requests contained in the record," as required by amended claim 59. The first operator's identification of the foods division is made based only on the caller's current request for a food item, not on any prior request, as claimed.

Therefore, Maloney and Rogers also fail to teach or suggest “transferring the record to a call center associated with the geographical region,” as required by amended claim 59.

If the Examiner insists on maintaining the rejection, it is respectfully requested that the Examiner explain where Maloney discloses that identifying the “apparel” division” or the “food products division” corresponds to identifying a “geographical region,” as claimed.

None of the other cited art teaches or suggests the combination of amended claim 59, either. Therefore, amended claim 59 is patentable over the cited art.

B. Claims 45 and 54

Claims 45 and 54 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Maloney in view of Rogers and further in view of U.S. Patent No. 6,404,884 (“Marwell”).

Claims 45 and 54 depend from amended claims 39 and 46, which are patentable over the cited art for the reasons set forth above. Therefore, claims 45 and 54 are also patentable over the cited art.

V. New Claim 60

Claim 60 depends from amended claim 39 and recites features that were recited in claim 39 prior to the amendments shown above. No new matter is added.

VI. Conclusion

In view of the foregoing, each of claims 39-54, 56, and 58-60, as amended, is believed to be in condition for allowance. Accordingly, consideration or reconsideration of these claims, as appropriate, is requested and allowance of the application is earnestly solicited.

Respectfully submitted,

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Date: March 11, 2008

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